

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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JEAN MARC DESMARAT,

Plaintiff,

vs

9:08-CV-977

DALE ARTUS, Superintendent; LINDA TURNER,  
Deputy Superintendent/Program; MICHAEL R.  
VINCENT, Correctional Officer; and JOHN DOE,  
APPU Inmate/Law Library Clerk, All of Clinton  
Correctional Facility,

Defendants.

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APPEARANCES:

OF COUNSEL;

JEAN MARC DESMARAT
Plaintiff, Pro Se
03-A-6318
Clinton Correctional Facility
PO Box 2001
Dannemora, NY 12929

HON. ERIC T. SCHNEIDERMAN
Attorney General of the
State of New York
Attorney for Defendants
Department of Law
The Capitol
Albany, New York 12224

CHRISTOPHER W. HALL, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff, Jean Marc Desmarat, commenced this civil rights action in September 2008, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated March 25, 2011, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that

defendants' notion for summary judgment (Dkt. No. 50) be granted and the entire action be dismissed. The defendants have filed objections to the report-recommendation.

Based upon a de novo review of the entire file, including the portions of the Report-Recommendation to which defendants have objected, and the recommendations of Magistrate Judge Treece, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is

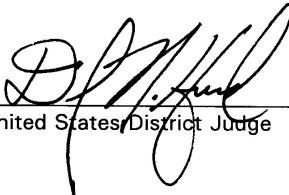
ORDERED that

1. Defendants' motion for summary judgment (Dkt. No. 50) is GRANTED;
2. The action is DISMISSED and the Clerk is instructed to file judgment accordingly

and close the file.

IT IS SO ORDERED.

Dated: April 25, 2011
Utica, New York.



United States District Judge